

Mark Holden

From: Linda Morales <lmorales@azplanningcenter.com>
Sent: Tuesday, August 21, 2018 9:38 AM
To: Mark Holden
Cc: Chris Poirier; Steve Lenihan; Hearon, Duff; Tom McGovern (tmcgovern@psomas.com)
Subject: RE: P18CA00002 rezoning policy

This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

Tom McGovern and I met with Mike Toriello yesterday. Mike was appreciative of our continual efforts to meet with them and to reduce density to mitigate any DM issues. There were three specific items that he said would help mitigate the Base's concerns:

1. No more than 5 RAC.
2. A 20-foot buffer between the ADC limit and the lots
3. Avigation Easement recorded and disclosed to homebuyers.

We agree to a maximum density of 4.5 RAC with a reduction of density along the ADC-3 corridor. We also agree to increase the buffer from the ADC-3 side of our project to 20'. This will result in approximately a 40-60' building setback from the ADC limit. We will also record an Avigation Easement and disclose the proximity to the corridor/potential for aircraft in the vicinity to future homebuyers.

While DMAFB would prefer that no development take place near the entire ADC corridor, Mike acknowledged that the Base does not want to stand in the way of economic development and recognizes the need for housing in the community. He also acknowledged that this is the very far end of the Approach Departure Corridor, about 9 miles from the end of the DM runway.

While we don't believe that DMAFB will be taking a position of support for our project, we do believe these additional compromises mitigate Base concerns. My clients and I are very strong supporters of Davis-Monthan and recognize its huge importance to this community. We feel these commitments will allow my clients to build a project that can co-exist with the Base and provide quality housing in this very desirable area.

Please let me know if you have any questions. We very much appreciate your willingness to work with us!



LINDA MORALES, AICP | Principal

THE PLANNING CENTER

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P18CA00002 Luminex LLC – E Old Vail Road Plan Amendment

DMAFB Comments (Word document submitted via email)

16 July 2018

The Davis-Monthan AFB (DMAFB) Approach Departure Corridors were established during the development of the Joint Land Use Study (JLUS) in 2004. Future growth must consider safety and environmental noise generated by aircraft operations. The areas along the departure/arrival corridors experience a high volume of aircraft traffic, increasing safety concerns. 80% of the flights departing DMAFB are to the southeast and 100% of live weapons departures take off to the SE to minimize risk and enhance safety. In addition, all DMAFB aircraft must fly on the same heading as the runway for approximately 10 miles to avoid conflict with departures from TIA. Aircraft noise is most acute during departure, at which time aircraft are flying lower to the ground and are operating at full power.

During the development of the JLUS, it was determined that the ADC 2 and ADC 3 lengths to the southeast would need to extend to 30,000 ft and 50,000 ft, respectively, from the end of the runway to provide the optimal aircraft and noise safety zones. The size and shape of the ADCs are based on DoD safety criteria in UFC 3-260-1; and the previously mentioned requirement to fly on the runway heading for approximately 10 miles is the basis for our concern that incompatible, high density residential neighborhoods will be developed along the imaginary surface known as the ADC. Of course, the imaginary line that forms the ADC boundary will not reduce the higher noise levels created by flying lower and faster on departure, nor the potential of aircraft mishaps. DMAFB's main concern is the safety of the citizens within the city and county who would be residing in potential new developments immediately adjacent to the ADCs.

April 26, 2018

Chris Poirier, Planning Official
Pima County Development Services Department
201 N. Stone Avenue, 2nd Floor,
Tucson, Arizona 85701

Subject: Rationale for a Proposed Comprehensive Plan Amendment for a 24.16-acre parcel (APN: 305-09-012E) Located Between Mary Ann Cleveland Way and the Union Pacific Railroad (UPRR)

Dear Mr. Poirier:

On behalf of Luminex LLC, this letter provides substantial rationale for amending *Pima Prospers*, Pima County's Comprehensive Plan (the Plan) as per Section 18.89.040 – Plan Amendment Program of the *Pima County Zoning Code*. The subject request entails modifying the land use designation for the subject parcel, as depicted on the *Central Planning Area Planned Land Use Map*, from Medium Intensity Rural (MIR) to Medium Low Intensity Urban (MLIU). The overall intent of the proposed amendment is to allow the property owner to apply for a future rezoning for a single-family residential subdivision with an anticipated density of five (5) residences per acre.

The request encompasses amending the subject property (APN:305-09-012E) which is located approximately 1.5 miles northeast of Interstate 10 in Township 16 South, Range 16 East, Section 6. More specifically, the subject property is located north of the Old Vail Road right-of-way, west of Freeman Road, and south of Yarina Lane with access via the Freeman Road alignment. The subject parcel is approximately 24.16 acres in size and is designated as Medium Intensity Rural (MIR). Currently, the parcel is vacant and contains the abandoned Esmond Station Railroad and an unnamed wash that traverses the northeast corner of the parcel and generates flow between 500-1000 cubic feet per second (cfs). The subject property is entirely out of the Davis Monthan Air Force Base Approach-Departure Corridor. The Plan designates the surrounding properties as:

- North – Medium Intensity Rural
- South – Military Airport
- East – Medium Intensity Urban
- West – Medium Intensity Rural / Military Airport

Arizona Growing Smarter and Growing Smarter Plus

The purpose of the Arizona Growing Smarter and Growing Smarter Plus legislation is to provide a framework to guide growth within communities in Arizona that is responsive to the ever-changing nature of the natural, built and social environments. The proposed plan amendment will support the core fundamentals of smart growth by:

- Promoting infill / compact development: The proposed plan amendment would allow for an infill residential subdivision adjacent to several comparable platted subdivisions such as: Mountain Vail Estates Part I, Vista Del Lago Norte, Acacia Ridge and Palo Verde Ridge. This type of planned development is preferable to the former pattern of sprawl and wildcat development in the area.
- Providing housing options: As the southeast region of Pima County is experiencing significant growth and popularity, the proposed amendment would allow for an additional supply of affordable housing options to fulfill the current housing shortage within the general project vicinity.
- Promoting rational infrastructure expansion and improvements: As a result several developments in the area, including those developed by the applicant as well as the Rancho del Lago master planned community, significant infrastructure exists in the area thus making the site a logical candidate for an infill subdivision. Access from Mary Ann Cleveland Way will be provided via a right-of-way easement recently acquired by the applicant on the adjacent Arizona State Land property which further enhances circulation in the area.

Applicable Policies of Pima Prospers

- a. Supports land uses, densities and intensities appropriate for the suburban and rural areas of the County - Policy 4 (Goal 1) Use of Land.
- b. Ensures a safe, diverse, and quality housing supply for all income ranges for existing and future populations – Policy 1 (Goal 1) Land Use Element - Housing.
- c. Continue to coordinate with DMAFB to protect operations and maximize resources. Policy 2 (Goal 3) – Land Use Element - Military Airports
- d. Support efforts to return the Construction Industry to sustainable levels of employment and construction activity – Section 6.7 (Goal 1) Economic Development Element/Constructions as a stimulus of our economy.

Maeveen Marie Behan Conservation Lands System

The subject property is outside of the Maeveen Marie Behan Conservation Land Systems.

Applicable Special Area Policies

The subject property is not subject to any special area policies.

Applicable Rezoning Policies

The subject property is not subject to any rezoning policies.

The proposed MLIU designation provides an opportunity to fulfill the Annual Plan Amendment Program's "Purpose" as stated in the *Pima County Zoning Code*, 18.89.040 (B) (1) and (2), as it provides an opportunity to address inconsistencies. An integrated approach will allow a site design that further implements the Plan and supports Davis-Monthan AFB's mission which is integral to producing the high-quality development envisioned in the Plan.

The MLIU designation is a more appropriate designation for the subject parcel for the following reasons:

1. Properties east of Freeman Road are designated MLIU and properties north of Yarina Lane are designated MIR in Pima Prospects. The proposed MLIU designation is compatible with adjacent uses and provides sufficient transition between the two adjacent designations.
2. With the exception of the wash at the northeast corner of the project site (designated Xeroriparian C), there are no important riparian areas or other sensitive environmental features on the property.
3. The amendment area is completely outside of the Davis-Monthan Approach Departure Corridor and sits at the far northeastern corner of the least restrictive portion of the corridor, ADC-3. Recent discussions with staff from Davis-Monthan indicate that the base could support the requested amendment and a subsequent rezoning if the developer provides for a transition of density with larger lots immediately adjacent to the ADC, combined with smaller lots on the balance of the site. Additionally, the developer is prepared to record an avigation easement to put future homebuyers on notice that the property is in the vicinity of a military airport.
4. As the amendment parcel is located within the well-respected Vail Unified School District (VUSD), the subject property is an ideal location to provide affordable housing suited for families and employees of the school district and the base. As the target market for this proposed community is intended to be first-time homebuyers, it would provide an opportunity for young families to raise their children in the VUSD. Modest priced homes on smaller lots will also provide an affordable option for teachers in a District that recently floated the idea of mini-houses for its faculty to be able to live in the District and near their schools.

5. The proposed development will generate about \$600,000 in impact fees and will increase the overall property tax base of the area.

We thank you for evaluating the application based on the information provided in this letter. Please do not hesitate to contact me if you have any questions.

Sincerely,

The Planning Center



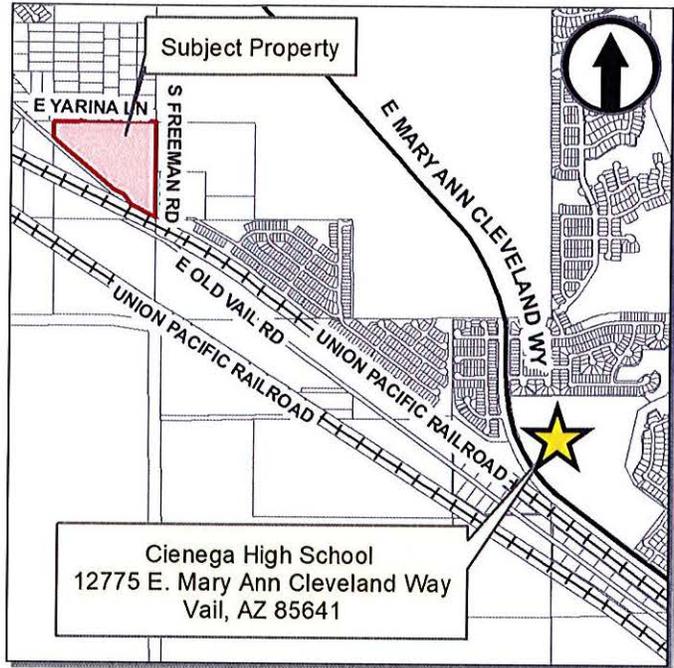
Linda Morales
CEO/Owner

May 24, 2018

Dear Neighbor:

Luminex, LLC and The Planning Center would like to invite you to attend a neighborhood meeting regarding a plan amendment proposal for a 24.16-acre property located north of Old Vail Road, west of Freeman Road and south of Yarina Lane, approximately 1.5 miles northeast of Interstate 10 (See property location map).

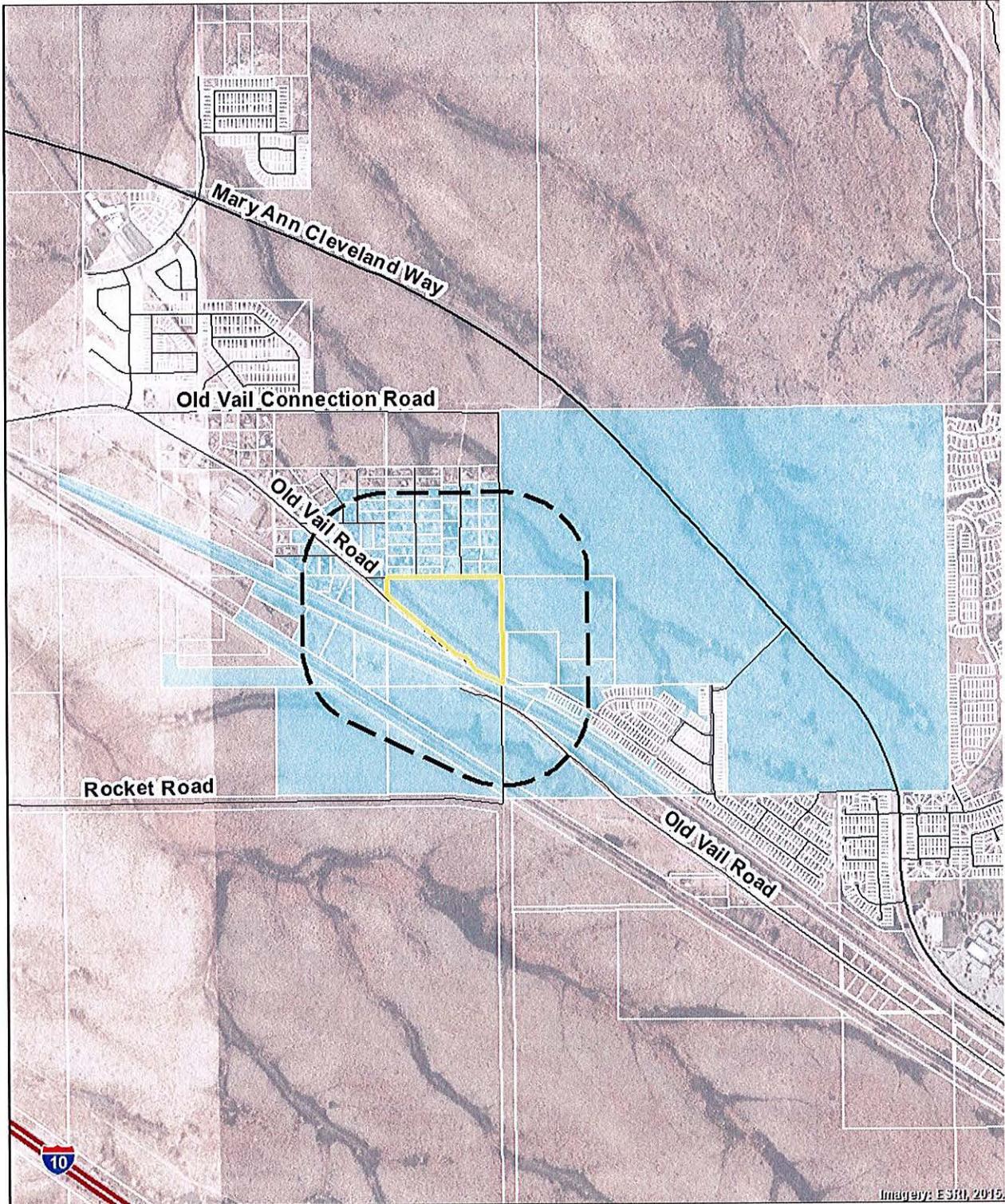
Pima Prospers was approved by the Board of Supervisors in 2016 to comprehensively guide land use and policy decisions for unincorporated Pima County. *Pima Prospers* designates the subject property as "Medium Intensity Rural (MIR)". This comprehensive plan amendment proposal is to change the *Pima Prospers* land use designations for the project site from the current "Medium Intensity Rural (MIR)" to "Medium Low Intensity Urban (MLIU)" designation. This request is consistent with the designation of the adjacent properties to the east, which are currently designated as "Medium Intensity Urban (MIU)." The proposed request provides an adequate transition from the more intensive designated properties east of the subject property to the less intensive designated properties north and west of the proposed site. This comprehensive plan amendment would allow a future rezoning request only on the subject property to allow for single-family residences with an anticipated density of five (5) residences per acre.



Please join us on:

**Tuesday, June 12th at 5:30 PM
at Cienega High School in Room 628**

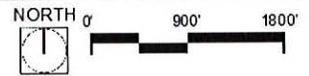
Representatives of the property owner will be present to discuss the plan amendment process and address any questions or comments that you may have. If you cannot attend the meeting or have questions prior to the meeting, please contact Linda Morales or Lexy Wellott at The Planning Center at 520-623-6146 or lmorales@azplanningcenter.com or lwellott@azplanningcenter.com.



LEGEND

-  Site Boundary
-  1000-Foot Radius (excluding ROW's)
-  1000-Foot Radius - Affected Parcels
-  Parcel Lines

Project Site is located at:
 Township 16S, Range 16E, and Section 06
 Acreage: Approx. 24.16 AC
 Parcel ID #: 305-09-012E



FILE NAME: mailing_labels LHV-01.mxd
 SOURCE: Pima County GIS, 2018



Luminex LLC – Comprehensive Plan Amendment (P18CA00002)
Neighborhood Meeting
June 12, 2018
5:30 PM Start Time

In attendance:

Linda Morales, The Planning Center	Doug Hughes
Lexy Wellott, The Planning Center	Harry Edwards
Steve Lenihan, Property Owner Representative	Ann Edwards
Duff Hearon, Property Owner Representative	Roy Trester
Mark Kelly	Richard Eijenmann
Joe Romero	Robert Fontes III
John Muha	Noma J. Lovett-Brewer

Meeting Notes:

A PowerPoint presentation was presented and included the following slides:

- A regional location map
- An aerial display showing the site and the immediately surrounding properties
- A comprehensive plan designation display showing the existing comprehensive plan designation for the property and the surrounding area
- A comprehensive plan designation display showing the proposed comprehensive plan designation for the property.
- A slide displaying the Pima County comprehensive plan amendment process.

Lexy Wellott gave the presentation. She began her presentation with a discussion of the regional context to familiarize attendees of the site's location. This discussion was followed up with conversation detailing the existing site conditions and the physical constraints of the property. A discussion was provided regarding the existing comprehensive plan designation for the site and surrounding parcels. Ms. Wellott presented a map detailing the proposed comprehensive land use designation and provided a detailed explanation of the Medium-Low Intensity Urban land use designation and the density range prescribed by Pima Proposers, Pima County's comprehensive plan. Ms. Wellott concluded her presentation with a detailed explanation of the plan amendment process and invited neighbors to attend the August 29, 2018 Planning and Zoning Commission public hearing.

The following is a list of questions and comments from the neighbors in attendance and responses from The Planning Center and representatives of the property owner.

Neighbor Question: How many houses would be put on that piece of property?

- *Response: The Medium-Low Intensity Urban land use designations allows for 2.5 residences per acre to 5 residences per acre. Hypothetically speaking, if we were to max out the property and develop 5 residences per acre, we would be able to develop 120 residences across the entire site.*

Neighbor Question: What are you guys going to do to control the water run off?

- *Response: As part of the rezoning process, we will have to perform preliminary hydrology studies to determine the existing flows that move across our site and subsequently how the proposed development impacts the existing flows. Dependent upon the outcome of the studies, we will have to provide specific mitigation measures to ensure that the total drainage flows from the property after development do not exceed the flows prior to development.*

Question from Linda Morales: Do you all live in the homes to the north?

- *Neighbor Responses: Yes.*

Neighbor Question: Where is the intended ingress and egress points?

- *Response: We haven't yet finalized where those locations will be at this point in time. We intend to provide a connection to Mary Ann Cleveland Road. However, we would like to discuss this with you all during the rezoning process to determine where the best ingress/egress locations are for all of us.*

Neighbor Question: What is the plan for Old Vail Road?

- *Response: We do not plan to take access from Old Vail Road. However, if that is desirable for all the neighbors out there, we are amenable to looking into that during the rezoning process.*

Neighbor Question: Will you have one primary access?

- *Response: No, we will be required to provide two access points for fire purposes. We intend to provide access to Mary Ann Cleveland and then the other will be provided through the subdivision south of our property.*

Neighbor Question: What will happen to Freeman Road?

- *Response: We will not use Freeman Road north of our property boundary. We may use the portion of Freeman Road that runs along our easternmost boundary, but at this time we have not finalized the design and are not sure what will happen. Again,*

we'd be more than happy to work out those details with you all during the rezoning process.

Neighbor Question: Will we be given access to Mary Ann Cleveland through your subdivision or will bollards be placed to block us out?

- *Response: If through access is desirable, we are willing to work with you all further during the rezoning process.*

Neighbor Response: What kind of barrier would be provided from your subdivision and our properties?

- *Response: We will have a landscape buffer and on the southside of the buffer there would be a wall. We have not yet finalized the widths of the landscape buffer nor the height of the wall. We will have that information for you all during the rezoning process.*

Neighbor Response: Will there be two-story restrictions on the property?

- *Response: We are amendable putting single-story restrictions on the northernmost row of homes adjacent to your homes, if, and to the extent necessary, to ensure your privacy to the greatest extent feasible.*

Neighbor Question: How tall will the wall be?

- *Response: It will likely be a 5-foot wall south of the landscape buffer.*

Neighbor Question: Did you guys ever think of putting in 36,000 sf single-story custom homes with basements on this property?

- *Response: No, we haven't. Basements are challenging, and the market is not quite there for custom homes in this area.*

Neighbor Question: What does the Medium-Low land use designation mean? Does that allow 10 residences per acre out there?

- *Response: The medium-low land use designations allows for 2.5 to 5 residences per acre.*

Neighbor Question: If you did not change the land use designation, what would be allowed out there now?

- *Response: We would be allowed to develop 1.2 residences per acre.*

Neighbor Question: What are your future ambitions for this area?

- *Response: We have no plans to acquire any more land to develop beyond this project. We do not have the intention of purchasing the State Land adjacent to you all. It's a very lengthy process with State Land that requires master planning and then purchasing of the property which can take many years.*

Neighbor Question: What are you going to do with the water out there? The other subdivisions that have built have not properly dealt with this issue and now all the water is moving across our properties. We are very concern about the flooding and overall drainage of the area.

- *Response: As part of the rezoning process, we will be required to perform hydrology studies to determine the existing conditions and then to develop a plan of action for how we will mitigate for flows. Retention and detention basins will be installed to mitigate discharges onto other properties. These basins will be monitored to ensure that they are holding and releasing water as designed. We would be more than happy to meet with you all and a hydrologist during the rezoning process to make sure that our plan moving forward is sufficient and not detrimental to you all.*

Neighbor Question: Have any hydrology studies been completed already? I know when the sewer line was built, there were some studies done because they crossed two minor washes and have created two dams.

- *Response: No, we have not investigated this. Thank you for sharing that information. We'll look for that as we move into the rezoning process.*

Neighbor Question: Is anyone going to try and purchase the properties we live in for redevelopment?

- *Response: In terms of us or the government, no. As far as other folks, I can't speak to that. We have no rights to condemnation and we cannot force you to sell.*

Neighbor Question: Is this rezoning going to restrict what we can or can't do on our properties?

- *Response: No, this will not change your zoning or property rights.*

Neighbor Question: Are you planning on flattening the Old Esmond Station Railroad?

- *Response: We are not sure what we are going to do with that at this point in time. We will likely flatten it out.*
-

Neighbor Question: Assuming the plan amendment and subsequent rezoning are approved, what is your time line for construction?

- *Response: With the remaining processes, it would be probably 2.5 to 3 years before you see anything happening out there.*

Neighbor Question: Is it possible to restrict the homes that will be adjacent to Yarina Road to a single-story?

- *Response: That is part of the rezoning process, but we are amenable to adding single-story restrictions for the homes adjacent to Yarina Road once we have a final layout.*

Meeting End Time: 7:00 PM

Author: Lexy Wellott, The Planning Center